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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,794	06/01/2000	Glenn Rolus Borgward	GRUNP62	1859
49691	7590	11/17/2009	EXAMINER	
IP STRATEGIES			DHARIA, PRABODH M	
12 1/2 WALL STREET			ART UNIT	PAPER NUMBER
SUITE E			2629	
ASHEVILLE, NC 28801			MAIL DATE	
			11/17/2009	
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			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/508,794	BORGWARD, GLENN ROLUS
	<b>Examiner</b> PRABODH M. DHARIA	<b>Art Unit</b> 2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### **Status**

1) Responsive to communication(s) filed on 13 August 2009.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 212-229 is/are pending in the application.  
 4a) Of the above claim(s) 1-211 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 212-229 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 March 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SE/002)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06-03-2009 has been entered.

***Response to Amendment***

2. The amendment filed 06-03-2009 does not introduce any new matter into the disclosure. The added material is supported by the original disclosure. Applicant has cancelled claims 1-211 and added new claims 212-229 to overcome prior art rejection.

3. **Status:** Please all replies and correspondence should be addressed to examiner's new art unit 2629. Receipt is acknowledged of papers submitted on 06-03-2009 under new claims AND request for continue examination, which have been placed of record in the file. Claims 212-229 are pending. Claims 1-211 are cancelled.

4. Applicant's petition to revive abandon application number 09508794 has been reviewed by USPTO legal petition department and petition has been approved and granted. The prosecution of the application number 09508794 has been reopened. Claims 212-229 are pending in this action. Claims 1-211 are cancelled.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 212-229 are rejected under 35 U.S.C. 102(b) as being anticipated by Lebby et al. (US 5,534,888).

Regarding Claim 212, Lebby et al. (US 5,534,888) discloses a mobile display device (Col. 2, Line 10 suggests electronic book with plurality of displays), in particular for displaying text and image information (Col. 1, Lines 60-64), comprising: a casing having a planar display unit with at least one planar display screen disposed on a first side of the casing (Col. 2, Lines 10-17 discloses book with casing, please also see figure 1 , Col. 3, Lines 10-30 discloses planar type display such as LCD or liquid crystal display, electroluminescent display); at least one manipulation region for operation by a user, said manipulation region being provided at a border zone of the display unit in such a way that the user can perform operating actions with one or more fingers of one hand (please see figures 1 and 4 item # 117, 417, 118) ; and at least one actuatable operating element that is arranged within the manipulation region on a second side of the casing that faces in a direction different than the first side, wherein actuation of the at least one operating element individually or in combination initiates at least one of leafing-through (please see figures 1-4, item # 116, 316 and 130, 330, 430, Col. 4, Lines 28-40 and scrolling

functions to navigate document content displayed on the display screen or to provide functions for selection menus (Col. 5, Lines 2-32 suggests every page has navigation as well as scrolling function Item # 417 besides the front side Item # 117 or different from front side for turning pages or scrolling pages)

Regarding Claim 213, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes at least two actuatable operating elements, wherein the arrangement of the at least two actuatable operating elements within the manipulation region is such that the at least two actuatable operating elements can be actuated simultaneously with the fingers of one hand (Col. 4, Lines 13-49).

Regarding Claim 214, Lebby et al. (US 5,534,888) discloses the first side of the casing is a front side and the second side of the casing is one of a lateral side and a rear side (please see figure 1)

Regarding Claim 215, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes abutting combination key elements (Col. 4, Lines 13-49).

Regarding Claim 216, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes three abutting combination key elements being arranged such that they are operable by index finger, middle finger and ring finger of a hand holding the mobile display device (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 21-39).

Regarding Claim 217, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes at least one of directional keys and function keys that can be actuated individually or in combination to provide different functions (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49).

Regarding Claim 218, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element is configured such that actuation of an acutable operating element alone or actuatable operating elements in combination causes the display screen to display a next page of a displayed document (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, Col. 5, Lines ).

Regarding Claim 219, Lebby et al. (US 5,534,888) discloses the at least one manipulation region is disposed such that the user can perform the operating actions without requiring a substantial movement of the carpus of a holding hand of the user relative to the casing (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, Col. 5, Lines 15-67).

Regarding Claim 220, Lebby et al. (US 5,534,888) discloses the at least one actuatable operating element includes at least one of a slide pad, a track ball and a multifunction key (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, Col. 5, Lines 2-67).

Regarding Claim 221, Lebby et al. (US 5,534,888) discloses at least a portion of the display screen within the manipulation region includes a touch- sensitive touch screen (Col. 2,

Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, suggests manipulation capabilities using various control, buttons and keys provided on the digital book display; Col. 5, Lines 50-67, suggests the communication cane be carried out via stylus suggest having a touch screen).

Regarding Claim 222, Lebby et al. (US 5,534,888) discloses at least a border zone of the display screen includes a touch-sensitive touch screen, wherein at least one of a screen corner region and a region in the middle of the border zone is actuatable for initiating specific functions (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, suggests manipulation capabilities using various control, buttons and keys provided on the digital book display; Col. 5, Lines 2-67 suggests the communication cane be carried out via stylus suggest having a touch screen).

Regarding Claim 223, Lebby et al. (US 5,534,888) discloses actuation of at least one of the at least one actuatable operating element and the touch-sensitive touch screen individually or in combination initiates leafing-through or scrolling functions for navigating content of a displayed document, provides functions for selection menus, or selects functions within provided selection menus (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, suggests manipulation capabilities using various control, buttons and keys provided on the digital book display for scrolling and navigation purposes; Col. 5, Lines 2-67 suggests the communication cane be carried out via stylus suggest having a touch screen).

Regarding Claim 224, Lebby et al. (US 5,534,888) discloses specific operating elements of the at least one actuatable operating element and/or specific touch-sensitive regions of the

touch-sensitive touch screen individually or in combination are allocated, in an initial state, to a specific first functionality, immediately after activating a providing function for a selection menu, in a selection state, to activate a selection function within the provided selection menu (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, suggests manipulation capabilities using various control, buttons and keys provided on the digital book display for scrolling and navigation purposes; Col. 5, Lines 2-67 suggests the communication can be carried out via stylus suggest having a touch screen, also suggests power-up operation controlled by CPU or MPU).

Regarding Claim 225, Lebby et al. (US 5,534,888) discloses the selection menus are displayed only in a border portion of the display screen without covering content of the displayed document (Col. 2, Line 59 to Col. 3, Line 19, Col. 4, Lines 13-49, suggests manipulation capabilities using various control, buttons and keys provided on the digital book display menu for scrolling and navigation purposes and controlling display suggests the menu displayed on a page and other pages display menu selected information and therefore menu is not covering any portion of the display; Col. 5, Lines 2-67 suggests the communication can be carried out via stylus suggest having a touch screen).

Regarding Claim 226, Lebby et al. (US 5,534,888) discloses the display unit includes at least two parts (please see figures 1-4).

Regarding Claim 227, Lebby et al. (US 5,534,888) discloses the display unit comprises at least two display screens (please see figure 4, Col. 4, Lines 13-49).

Regarding Claim 228, Lebby et al. (US 5,534,888) discloses the casing includes a main part and at least one ancillary part, wherein the main part and the at least one ancillary part are arranged such that the casing can be opened and shut about a folding axis like a book, and wherein the main part and the at least one ancillary part form a spine element (please see figures 1-4).

Regarding Claim 229, Lebby et al. (US 5,534,888) discloses the main part includes at least one display screen, the at least one ancillary part includes at least one display screen, and the display unit is arranged such that the main part and the at least one ancillary part are presented to a user like pages of a book when the casing is opened (please see figures 1-4).

***Response to Arguments***

7. Applicant's arguments with respect to claim 212-229 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beatty; Brent A (US 5537608 A) Personal communicator apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRABODH M. DHARIA whose telephone number is (571)272-7668. The examiner can normally be reached on M-F 8-30AM to 5PM.

10. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

/Prabodh M Dharia/

Primary Examiner

Art Unit 2629

11-14-2009